

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GABRIEL FERRIS,

Petitioner,

Case Number: 07-CV-14401
Honorable John Corbett O'Meara

v.

JERI-ANN SHERRY,

Respondent.

**OPINION AND ORDER DENYING WITHOUT PREJUDICE PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

The petitioner, Gabriel Ferris, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Before the court now is the petitioner's "Motion for Appointment of Counsel" (Docket #7).

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.") (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case "[w]henever the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the court determines, after careful consideration, that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that the petitioner's "Motion for Appointment of Counsel" (Dkt. # 7) is **DENIED WITHOUT PREJUDICE**. The court will reconsider the petitioner's motion if it determines at a later date that appointment of counsel is necessary.

s/John Corbett O'Meara
United States District Judge

Date: February 22, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 22, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager